IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 24379 of 2007(B)

PETITIONER:

U.MANOHARAN,
S/O.KUTTAN, AGED 39, 3/686, OORALATH HOUSE,
BALATHIRUTHI.P.O, VALLIKUNNU,
TIRURANGADI TALUK,
MALAPPURAM DIST.

BY ADV. SRI.K.T.SHYAMKUMAR

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
   MALAPPURAM.

2. THE CIRCLE INSPECTOR OF POLICE,
   TANUR,
   MALAPPURAM DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
   PARAPPANANGADI POLICE STATION,
   MALAPPURAM DISTRICT.

BY G.P. SHRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.24379 of 2007

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Dated this the 22nd day of August, 2007

J U D G M E N T

Petitioner's complaint is that his lorry bearing registration No.KL-10-V-5120 has been seized on allegations of transport of river sand illegally. The petitioner complains that the allegation is totally false and that at the time of seizure, the vehicle was not loaded with any materials at all. He further submits although the vehicle was seized at 10.30 pm. on 7.8.2007, so far no proceedings have been taken in respect of the same. He therefore seeks interim custody of the vehicle.

2. I have heard the learned Government Pleader also.

3. Having heard both sides, I dispose of this writ petition with the following directions:

The 1st respondent shall pass final orders in the matter as expeditiously as possible after affording an opportunity of being heard to the petitioner, which shall include opportunity to adduce

evidence and passing a speaking order considering the contentions of the petitioner. Pending passing of final orders, the vehicle of the petitioner shall be released to the petitioner on his depositing an amount of Rs.25,000/- and producing proof of ownership of the vehicle. This is subject to the further condition that the petitioner shall not alienate or otherwise part with possession of the vehicle until final orders are passed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.